1	WO	
2		
3		
4		
5		
6	IN THE UNITED STATES DISTRICT COURT	
7	FOR THE DISTRICT OF ARIZONA	
8		
9	United States of America,	No. CR 11-2239-1-PHX-ROS
10	Plaintiff,	ORDER OF DETENTION PENDING TRIAL
11	vs.	
12	Andrew Nolan Davis,	
13	Defendant.	
14		
15	In accordance with Title 18 U.S.C. 8	3142 of the Bail Reform Act, a detention hearing
16		
17	established: (Check one or both, as applicable)	
18	estublished. (Check one of John, as applied	ioley
19	by clear and convincing evidence, Defendant is a danger to the community and shall be	
20		
21	1 0	
22	■ by a preponderance of the evidence,	Defendant is a serious flight risk and shall be
23	detained pending trial.	
24		
25		
26		
27	an offense for which a maximum term of imprisonment of ten years or more is	
28		

1	prescribed in 21 U.S.C. §§ 801 et seq., 951 et seq., or 46 U.S.C. App. § 1901 et seq.
2	
3	an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332(b).
4	
5	an offense listed in 18 U.S.C. § 2332b(g)(5)(B) (crimes of terrorism) for which
6	a maximum term of imprisonment of ten years or more is prescribed.
7	
8	an offense involving a minor victim prescribed in <sup>1</sup>
9	
10	(2) Defendant has not rebutted the presumption established by finding (1) that no
11	condition or combination of conditions will reasonably assure Defendant's appearance as
	required at future court proceedings and the safety of the community.
12	Alternative Findings
13	(1) There is a serious risk that Defendant will flee and no condition or combination of
14	conditions will reasonably assure Defendant's appearance as required at future court
15	proceedings.
16	
17	(2) No condition or combination of conditions will reasonably assure the safety of the
18	community or others if Defendant were released from detention.
19	
20	
21	
22	<sup>1</sup> Insert as applicable: 18 U.S.C. § 1201 (kidnaping); § 1591 (sex trafficking); § 2241 (aggravated sexual abuse); § 2242 (sexual abuse); § 2244(a)(1) (certain abusive sexual
23	contact); § 2245 (offenses resulting in death); § 2251 (sexual exploitation of children); §
24	2251A (selling or buying of children); § 2252(a)(1), 2252(a)(2), 2252(a)(3) (certain activities relating to material involving sexual exploitation of minors); § 2252A(a)(1), 2252A(a)(2),

2252A(a)(3), 2252A(a)(4) (certain activities relating to material constituting or containing

child pornography); § 2260 (production of sexually explicit depictions of minors for

importation into the U.S.); § 2421 (transportation for prostitution or a criminal sexual activity offense); § 2422 (coercion or enticement for a criminal sexual activity); § 2423

(transportation of minors with intent to engage in criminal sexual activity); and § 2425 (use

of interstate facilities to transmit information about a minor).

25

26

27

28

<sup>- 2 -</sup>

1	(3) There is a serious risk that the defendant will (obstruct or attempt to obstruct
2	justice) (threaten, injure, or intimidate a prospective witness or juror).
3	
4	
5	
6	
7	
9	PART II WRITTEN STATEMENT OF REASONS FOR DETENTION (Check one or both, as applicable)
10	(1) The Court finds that credible testimony and information submitted at the hearing
11	establish by clear and convincing evidence as to danger that:
12	
13 14	
15	
16	(2) The Court finds by a preponderance of the evidence as to risk of flight that:
17 18	☐ Defendant has no significant contacts in the District of Arizona;
19	☐ Defendant has no resources in the United States from which he/she might
20	make a bond reasonably calculated to assure his/her future appearance;
21	Defendant has a prior criminal history;
22	Defendant has a record of failure(s) to appear in court as ordered;
23	Defendant attempted to evade law enforcement contact by fleeing from law
<ul><li>24</li><li>25</li></ul>	enforcement;
25 26	Defendant is facing a minimum mandatory of incarceration and
27	a maximum of if convicted;
28	

1	
1 2	
3	Defendant does not dispute the information contained in the Pretrial Services Report,
4	and all supplements, if any, except:
5	
6	
7	
8	
9	In addition:
10	
11	
12	
13	The Court is compared to by seference the findings of the Dustriel Courties sense to d
14	The Court incorporates by reference the findings of the Pretrial Services report and
15	all supplements, if any, which were reviewed by the Court at or before the time of the
16	hearing in this matter.
17	PART III DIRECTIONS REGARDING DETENTION
	IT IS ORDERED that Defendant is hereby committed to the custody of the
18	Attorney General or his/her designated representative for confinement in a corrections
19	facility separate, to the extent practicable, from persons awaiting or serving sentences or
20	being held in custody pending appeal. 18 U.S.C. § 3142(i)(2). Defendant shall be afforded
21	a reasonable opportunity for private consultation with defense counsel. 18 U.S.C. § 3142
22	(i)(3). Upon order of a court of the United States or request of an attorney for the Govern-
23	ment, the person in charge of the corrections facility shall deliver Defendant to the United
24	States Marshal Service for the purpose of an appearance in connection with a court
25	proceeding. 18 U.S.C. § 3142(i)(4).
26	
27	
28	

## PART IV -- APPEALS AND THIRD PARTY RELEASE

IT IS FURTHER ORDERED that should a review of this detention order be filed pursuant to 18 U.S.C. § 3145, it is the responsibility of the movant's attorney to deliver a copy of the motion for review to U.S. Pretrial Services, at least, one day prior to the review hearing set before the assigned District Judge. Pursuant to Rule 59(a), Fed.R. Crim.P. (2010), a party seeking review shall have **fourteen (14) days** to file a motion for review after being served with a copy of this written order, after the oral order is stated on the record, or at some other time the assigned District Judge may set. Failure to timely file a motion for review in accordance with Rule 59(a) may waive the right to review. Rule 59(a), Fed.R.Crim.P.

IT IS FURTHER ORDERED that the issue of detention may be reopened at any time before trial upon a finding that information exists that was not known to the movant at the time of the detention hearing and such information has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of Defendant as required and the safety of any other person and the community. Title 18 U.S.C. § 3142(f).

United States Magistrate Judge

DATED this 21st day of November, 2011.